

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

15-cr-0682 (LAK)

MARLON CLENISTA,

Defendant.  
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**ORDER**

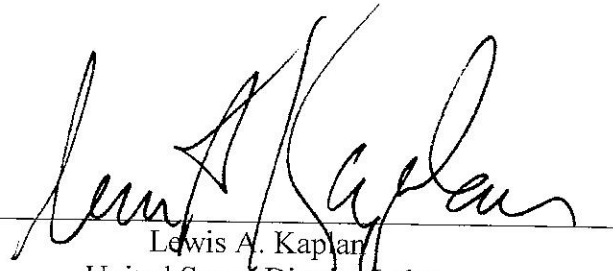
LEWIS A. KAPLAN, *District Judge.*

The government shall respond to the defendant's FRAP 10 motion within one week. Its response shall address the question whether the government ever was served with or copied on email on the January 11, 2021 letter that is the subject of defendant's letter.

In the meantime, the defendant perhaps should consider whether the January 11 letter, assuming that it was sent and received, is material to the appeal, particularly in light of the facts that, (a) assuming it was sent, it did no more than invite attention to material then said to have been available on the Bureau of Prisons web site and, if so, presumably subject to judicial notice, and (b) the Court assumed for purposes of deciding the compassionate release motion that the extraordinary and compelling circumstances requirement was satisfied.. In addition, the defendant shall submit within one week any proof it has that the letter was emailed to chambers, including the address to which it is said to have been emailed and the time and date of that occurrence.

SO ORDERED.

Dated: April 29, 2021

  
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Lewis A. Kaplan  
United States District Judge